

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Joseph Lee McFadden, # 346693,)
Plaintiff,) Civil Action No. 4:13-622-MGL
vs.)
John C. Jepertinger,) ORDER AND OPINION
Defendant.)

)

This matter is before the Court upon the Magistrate Judge's Report and Recommendation ("R&R") that the above named matter be dismissed without prejudice and without issuance and service of process. (ECF No. 14)¹

On April 19, 2013 Plaintiff filed a Motion to Amend his complaint. (ECF No. 17). Thereafter, on April 25, 2013, Plaintiff filed objections to the R&R indicating only that he had previously filed a Motion to Amend. This being the case, the court declines to conduct a *de novo* review of the R&R at this time and refers the case back to the Magistrate Judge for further review and consideration based upon Plaintiff's Motion to Amend.

IT IS ORDERED that the within matter is herewith referred back to Magistrate Judge Kaymani D. West for further consideration consistent with this order.

¹Pursuant to the provisions of Title 28 United States Code, § 636(b)(1), and District of South Carolina Local Rule 73.02 (B)(2), the Magistrate Judge is authorized to review all pretrial matters in such pro se cases, and submit findings and recommendations to this Court.

AND IT IS SO ORDERED.

/s/ Mary G. Lewis
United States District Judge

May 13, 2013
Florence, South Carolina